

## YEAS—19.

Buchanan,	Gooch,	Peacock,
Chesley,	Harris,	Perry,
Cooper,	Houston,	Randolph,
Evans,	Johnson of Collin,	Shannon,
Farrar,	Kleberg,	Terrell,
Fleming,	Martin,	Traylor.
Fowler,		

## NAYS—6.

Collins,	Getzendaner,	Jones,
Davis,	Johnston of Shelby,	Matlock.

Senator Davis offered the following amendment:

Strike out "two," in line 5, page 5, and insert "four."

Senator Matlock moved the previous question on the amendment and bill.

Motion seconded and main question ordered.

The amendment was lost by the following vote, it requiring a two-thirds vote to amend a bill on its third reading:

## YEAS—14.

Chesley,	Getzendaner,	Peacock,
Davis,	Harris,	Randolph,
Evans,	Houston,	Terrell,
Fleming,	Johnson of Collin,	Traylor.
Fowler,	Martin,	

## NAYS—12.

Buchanan,	Johnston of Shelby,	Patton,
Collins,	Jones,	Perry,
Farrar,	Kleberg,	Pfeuffer,
Gooch,	Matlock,	Shannon.

The bill passed by the following vote:

## YEAS—23.

Buchanan,	Gooch,	Patton,
Chesley,	Harris,	Peacock,
Collins,	Houston,	Perry,
Evans,	Johnson of Collin,	Randolph,
Farrar,	Johnston of Shelby,	Shannon,
Fleming,	Kleberg,	Terrell,
Fowler,	Matlock,	Traylor.
Getzendaner,		

## NAYS—4.

Davis,	Jones,	Pfeuffer.
Martin,		

The following reasons for voting "aye" on the passage of the bill were ordered spread upon the journal:

We vote "aye" on the passage of the bill because we believe it to be the best that we can get. While we do not approve of any of the lease provisions in the bill, nor do we believe the sale of these lands should have been placed in the hands of a board, still we are of the opinion that unless the bill is passed with these features in it, no bill will be passed at this session of the Legislature. Rather than have no law for the sale of these lands, we accept this as a compromise.

A. L. MATLOCK,  
F. L. JOHNSTON.

A message was received from the House announcing the passage by that body of Senate bill No. 10, "An act to amend article 180, chapter 1, title 7, of the Penal Code of the State of Texas."

Senate joint resolution No. 23, being the second special order for the hour, "A joint resolution amending section 10, article 11 of the Constitution, so as to authorize incorporated cities and towns, and counties and school districts or communities, under certain circumstances, to levy and collect a special ad valorem tax for the support of the public free schools, in addition to the pro rata available school fund received from the State," was taken up and read second time, with majority and minority reports.

Senator Davis moved to substitute the minority for majority report.

Senator Houston offered the following amendment:

Add to line 14, "and the Legislature shall have power to pass local or special laws regulating the formation of school districts, and the levying of taxes therein, within the provisions of this section, without the necessity of ad-

vertisement, under the rules for the passage of general laws."

Amendment temporarily withdrawn.

Pending discussion of the question by Senator Davis, Senator Fleming moved to adjourn till 3 o'clock this afternoon.

Senator Houston moved to amend by substituting "Monday at 10 o'clock," for "this afternoon."

Adopted, and motion as amended adopted, and Senate adjourned till Monday morning at 10 o'clock.

## FORTIETH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, February 26, 1883. }

Senate met pursuant to adjournment.

President in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Senator Buchanan, the reading of Saturday's journal was dispensed with, and the same adopted.

Senator Terrell, chairman of Judiciary Committee No. 1, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, February 26, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 300, entitled "An act to amend article 478, of chapter 9, title 17, of the Revised Statutes of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass, because another bill, accomplishing the object sought to be accomplished, has been reported favorably.

All of which is respectfully submitted.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 26, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 159, entitled "An act to amend article 1048, of title 26, chapter 8, and article 1418, of title 29, chapter 19, of the Revised Civil Statutes of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

The bill proposes to make the judgment of the Supreme Court conclusive on all questions of law and fact presented, and to prohibit on new trial after reversal any inquiry as to facts once decided on appeal.

All of which is respectfully submitted.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 26, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 112, entitled "An act to amend 'an act to protect mechanical laborers and operatives on railroads against the failures of owners, contractors and sub-contractors or agents to pay their wages when due, and to provide a lien for such wages,' approved February 18, 1879, by adding thereto section 3a," have carefully examined the same and instruct me to report the same back with the recommendation that it do not pass.

It proposes to give to the term "equipments" a definition which, as applicable to railways, would make all fixtures on the realty personal property. It is not believed that any existing evil requires such legislation.

All of which is respectfully submitted.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 26, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 260, entitled "An act to prohibit elective officers and attorneys at law from becoming sureties on bonds and recognizances,"

have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass. The rules adopted by the Supreme Court sufficiently remedy the former evil in the opinion of the committee.

All of which is respectfully submitted.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 26, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 143, entitled "An act to amend an act entitled an act to define in what civil cases depositions of witnesses may be taken," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 26, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 43, entitled "An act to amend chapter 2, title 38, of the Revised Statutes of the State of Texas, providing for taking the depositions of witnesses," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

The bill provides for transmitting depositions by registered package, and its necessity is found in the refusal of some postmasters to make the endorsement required by statute. The instructions on this subject from the general postoffice do not remedy the evil.

All of which is respectfully submitted.

TERRELL, Chairman

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 26, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 273, entitled "An act to amend section 1, chapter 9, of an act authorizing the county commissioners' courts of the several counties of this State to issue bonds for the erection of a court house, and to levy a tax to pay for the same," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass, because another bill accomplishing the object sought to be accomplished has been reported favorably.

All of which is respectfully submitted.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 26, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 281, entitled "An act to authorize joint owners of fences, and persons whose fences join, to remove and separate fences, upon proper notice," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 26, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate petition No. 30, the same being a memorial of J. R. Kindred and J. R. Connell, have carefully examined the same, and instruct me to report the same back with the recommendation that the relief asked for be not granted.

All of which is respectfully submitted.

TERRELL, Chairman.

Senator Shannon, chairman of Committee on Internal Improvements, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, February 26, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 272, entitled "An act to repeal an act entitled 'an act to prohibit railroad companies, their officers, agents and employees from making excessive charges for carrying and transporting freights, goods, wares and merchandise, and to require said companies, their officers, agents and employees, to deliver freights, goods, wares and merchandise, upon the payments of the freight charges due as shown by the bill of lading, and to provide penalties for the violation of this act,'" have considered the same, and I am instructed to report it back to the Senate with the recommendation that it be indefinitely postponed.

SHANNON, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 26, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate joint resolution "Instructing the Attorney-General to bring suit to cancel leases and charters of all railroads in this State when the same are in violation of law, and where there is failure to keep a general office in this State, etc.," have considered the same, and are of opinion that it is at present quite as much the duty of the Attorney-General to the State to bring suit against all railroad companies in this State which he may find operating their roads in violation of their chartered rights and the general law governing railroads in Texas, as it would be if this joint resolution was adopted; they therefore instruct me to report it back to the Senate with the recommendation that it do not pass.

SHANNON, Chairman.

Resolution read first time.

COMMITTEE ROOM,  
AUSTIN, February 26, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 295, entitled "An act to amend article 4678 of the Revised Civil Statutes of the State of Texas," have considered the same, and I am instructed to report said bill back to the Senate with the accompanying substitute, and recommend the passage of the substitute.

All of which is respectfully submitted.

SHANNON, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 26, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 273, entitled "An act to amend article 4258 of the Revised Civil Statutes of the State of Texas," have considered the same, and are of the opinion that the law now upon the statute book is better and more effective for the purpose for which it is intended than it would be if amended as proposed in this bill, and therefore think it should not pass, and have instructed me to so report.

All of which is respectfully submitted.

SHANNON, Chairman.

Bill read first time.

A message was received from the House announcing the passage by that body of Senate bill No. 126, "An act amendatory of title 83, and of the supplement thereto, of the Revised Civil Statutes (quarantine law)."

Senator Stratton, for Committee on State Affairs, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 26, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 249, entitled "An act forbidding the employment by any State officer, at the expense of the State, of any person related to such State officer," have carefully examined the same, and a majority instruct me to report the same back with the recommendation that it do not pass. The majority of your committee believe that the State should not be limited in making selections for office, and that competency should not be excluded because of its official relationship.

All of which is respectfully submitted.

STRATTON, for majority of Committee.

Bill read first time.

Senator Farrar, for Judiciary Committee No. 1, submitted the following report:

## COMMITTEE ROOM.

AUSTIN, February 26, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred a resolution requiring Judiciary Committee No. 1 to report whether there exists any constitutional authority in the district court to try contested election cases, have had this subject under consideration, and in obedience to said resolution they submit the report of a sub-committee made to the chairman and adopted by this committee.

All of which is respectfully submitted.

FARRAR, for the Committee.

Bill read first time.

To Hon. A. W. Terrell, chairman Judiciary Committee No. 1:

Your sub-committee, to whom was referred the question whether there is under our law any constitutional tribunal that has authority to try contested election cases, have examined the Constitution and law as fully as their time, in connection with other duties, would permit, and report their conclusions as follows:

The district court, under article 5, section 8, of the Constitution, is not court of general but of limited jurisdiction. If this proposition be conceded it will follow that unless this section and article of the Constitution confer this jurisdiction upon the district court to try cases of this character, then the Legislature exceeded its authority in vesting jurisdiction in the district court to try contested election cases in the manner provided in chapter 6, title 34, of the Revised Statutes.

That the district court is one of limited jurisdiction, under the Constitution of 1876, has been settled by several cases decided by the Supreme Court, of which the case of *Williamson v. Lane*, 52 Texas, 336, is an example. In this case the power of the district court to try a contested election case under the laws in force is decided. The only clause of section 8, of article 5, of the Constitution which is thought to justify or authorize the legislative mode now provided by law for trying a contested election case is that which gives the district court jurisdiction "of all suits, complaints or pleas whatever, without regard to any distinction between law and equity, when the matter in controversy shall be valued at or amount to five hundred dollars, exclusive of interest."

It is shown quite conclusively to our minds by the reasoning in the case of *Williamson v. Lane*, above referred to, that a contested election case is not such a suit, complaint or plea as is described in the clause of the Constitution under consideration. Unless a contested election case is such a suit, complaint or plea as is described in this section and article of the Constitution, it follows that the Constitution has not empowered the Legislature to confer jurisdiction upon the district court to try cases of this character, and that such legislation is unconstitutional. We are aware that in the later case of *Fort Worth v. Davis et als.*, the following language is used by the Supreme Court: "It may most appropriately be asked, how, under the decisions of this court, can a tax payer contest the result of an election, or obtain a revision of the action of the tribunal entrusted by law with the determination of that result. (Ex parte Towles, 68 Texas, 413; *Williamson v. Lane*, 52 Texas, 336.) Referring to any dissenting opinions in those cases, I am authorized to say for the court, and each member of the court, that, notwithstanding those decisions, we regard the question the validity of the various provisions in the Revised Statutes for contesting elections as still an open question in this court," etc.

While by this last opinion it is said to be an open question, whether the provisions of the Revised Statutes regulating contested election cases are valid, we are of the opinion that the reasoning of the court in the case of *Williamson v. Lane*, above referred to, is conclusive upon this point, and that there exists no power in the district court to hear and determine such questions.

All of which is respectfully submitted.

FARRAR,  
DAVIS,  
HARRIS,  
Sub-Committee.

Senator Patton, chairman of Committee on State Affairs, submitted the following report:

## COMMITTEE ROOM,

AUSTIN, February 24, 1883.

Hon. Mr. Martin, President of the Senate:

Your Committee on State Affairs, to whom was referred House concurrent resolution instructing a joint committee to visit the grave of Ben Milam, in the city of San Antonio, and report the condition, with such recommendations as they may deem necessary to protect it from being trodden under foot, have had the same under consideration, and I am requested to report the same back with the recommendation that it lie on the table, for the reason that the joint committee have acted in the premises, and have presented a special report on the subject matter.

PATTON, Chairman.

Senator Buchanan, for Senate joint committee to visit the State schools, submitted the following report:

## COMMITTEE ROOM,

AUSTIN, February 26, 1883.

To the Senate and House of Representatives, State of Texas:

Your joint sub-committee appointed to visit the State schools and report as to the condition and management of said schools, have performed that duty, and respectfully submit the following report:

## THE AGRICULTURAL AND MECHANICAL COLLEGE AT BRYAN.

There have been 221 matriculations during the present academic year, and there on the rolls of the college at this time about 170 students.

At the time of our visit there were some cases of sickness among the students, and some of them had been temporarily withdrawn from the college by their parents on account of exaggerated reports of sickness in the college, which had obtained currency throughout the State.

This, in connection with the exhaustion of the appropriation for the support of the State students, and the severe illness of Prof. Gartner, who has since died, has exercised a depressing influence on the officers and students of the college.

Your committee were pleased to observe that the objects of the establishment of this institution have been kept distinctly in view by the board of directors and the faculty, and that, so far as they have been able to do so, with the means at their command, they have endeavored to make it in fact an agricultural and mechanical college, rather than a literary school, as was the plan pursued in former years.

An examination of the methods of instruction employed in the mechanical department, and an inspection of the appliances therefor, satisfied your committee that a good degree of efficiency had been attained in that department, and that the State will derive great benefit therefrom in the near future. The same may also be said of the scientific department, which is well conducted under instructors of energy and ability.

Of the agricultural department the same degree of success has not been attained, but this has resulted from the want of proper appliances, rather than a defect in the plans of instruction adopted by the board of directors and faculty. Some of our people do not yet seem to be entirely emancipated from the idea that farm labor lacks some element of respectability to be found in some of the other avocations of life, and this tendency in the public mind is not favorable to the growth of an agricultural college. On the other hand the importance of the introduction of improved systems of agriculture in the State is every day more fully felt by our people, and we may safely assume that a well conducted department for instruction in agriculture and the sciences related thereto will constantly grow in popular favor.

Your committee are clearly of the opinion that as yet the board of directors have not been furnished with sufficient means to make this department of the college efficient, and we respectfully recommend that the Legislature make such appropriations at its present session as will enable the board to do so.

The buildings of the college need repairs, and other improvements should be made. The board of directors have submitted estimates of the wants of the institution, which are annexed to this report and recommended to your favorable consideration.

## PRAIRIE VIEW NORMAL SCHOOL.

This school, under the management of Prof. E. H. Anderson, is in as prosperous condition as could reasonably be expected under the meager support heretofore given it by the State. The mental training of the students, and their excellent deportment, as witnessed by us, is sufficient evidence that Mr. Anderson is well qualified for the discharge of the high trust confided to him. He seems fully to realize the responsibility of his position, and brings to the work a degree of ability truly gratifying. The small appropriation made for the support of the institution has been carefully expended and made to accomplish the greatest possible good, so that we feel fully warranted in saying that the financial affairs have been managed with scrupulous exactness.

From this school we expect much to be accomplished that will be elevating to the moral, intellectual and social character of the colored people of Texas, and, as a result, of great value to the State, as well as a lasting honor to those whose sound judgment led them to establish it as a permanent institution for the promotion of the welfare of all; for we hold that the elevation of the colored race to the highest possible intellectual and social standing redounds to the advantage of the more fortunate white race as well.

Upon investigation we are of the opinion that students should be admitted for two terms instead of one, as now provided. This proposition is self evident when it is considered that the object of the school is to send out teachers trained in the art of teaching correctly.

To make the school come up to public expectation, more especially of those for whose improvement it was more particularly established, a more liberal policy should be observed in the way of substantial aid. Some of the rooms, used for different purposes, are sadly out of repair. Others should be added to relieve the students of their present crowded condition, and to make room for more pay students. Therefore, we recommend the following appropriations:

For "cell" to main building ..... \$ 800  
 For re-covering dormitory (male department) ..... 500  
 For recitation and reception room (40x20) ..... 2,000  
 For library, apparatus, etc. .... 500  
 For lamps, stoves, etc. .... 300  
 For wagon, two horses and harness ..... 300  
 For enlarging and furnishing laundry ..... 500  
 For furniture for new house ..... 200  
 For fencing pasture and farm ..... 500  
 For the support and maintenance of the institution for the year ending August 31, 1884 ..... 8,000

For the support and maintenance of the institution for the year ending August 31, 1885 ..... 8,000  
 The aggregate amount of the appropriations recommended, other than for the support and maintenance of the institution, is \$5600. This amount is absolutely necessary, and we trust that it will be freely made.

#### SAM HOUSTON NORMAL INSTITUTE.

Your committee visited this institution, witnessed its various exercises, conferred with its faculty and local board of trustees, and found its general management, discipline and financial condition most satisfactory. The faculty in charge of the institution, with that veteran trainer of teachers, Dr. J. Baldwin, at its head is composed of accomplished teachers, who are working together earnestly and harmoniously, and are thoroughly alive to the great work before them. The committee are free to express the opinion that the institution is accomplishing, in full measure, all that its founders anticipated. The students who have gone out from it have, with a few exceptions, entered the public free schools of the State, and are there doing good service as teachers. The benefits to the public free schools from this source are two-fold; first, in furnishing them with skilled teachers, far in advance of what they have heretofore been accustomed to; and secondly, in placing in the field annually about one hundred and fifty young, energetic and intelligent advocates of an efficient system of public free schools.

The health of the students is now, and has been heretofore, remarkably good.

There are now in the institution about one hundred and eighty students—about one hundred and fifty on State account, and the others on individual account; and when assembled together they present a rare collection of bright and intelligent young ladies and gentlemen, of whom Texas may well feel proud.

The institution is sadly in need of additions to its library and apparatus, and of some improvements to the main college building. And it should, by all means, be furnished with a hall or chapel, in which all of the students can assemble at one time, for their different exercises, and on public occasions, the one now in use being barely large enough to seat the students now in attendance, excluding all visitors.

The building should also be insured against fire.

In view of the premises, your committee would recommend the following appropriations:

For support of Sam Houston Normal Institute for each of the years ending respectively August 31 1884, and August 31, 1885 ..... \$18,000 00  
 For purchase of library and apparatus for each of said years ..... 1,000 00  
 For insurance of building ..... 500 00  
 For building hall, chapel and other improvements ..... 5,000 00

There is one suggestion, addressing itself rather to the State Board of Education than to the Legislature, which your committee cannot close this report without making; and that is, that students who enter this institution should be kept there two sessions instead of one. This is rendered necessary for the reason that Texas cannot now furnish the institution with a class of students sufficiently advanced in the ordinary school text books to make teachers; and therefore to make skilled teachers of them, the institution must not only instruct them *how* to teach, but also *what* to teach; and to do this successfully and satisfactorily, the nine months, now allowed, is not sufficient time.

All of which is respectfully submitted.

J. C. BUCHANAN,  
 of Senate.

A. T. MCKINNEY,  
 A. J. ROSENTHAL,  
 WM. A. WORTHAM,  
 of House of Representatives.

#### ESTIMATES OF APPROPRIATIONS FOR AGRICULTURAL AND MECHANICAL COLLEGE OF TEXAS.

##### Farm Department.

Improved stock ..... \$5,000  
 Additional barns and farm house ..... 1,500  
 Dairy, sub-earth ventilation and modern improvements ..... 1,000  
 Pig pens ..... 100  
 Detached stables for valuable stock, for safety from fire ..... 150  
 Enclosing with lumber, posts and barbed wire the college tract, about 2,400 acres ..... 2,500  
 Seeds, plants and trees, for two years ..... 1,000  
 Fertilizers for experimental purposes ..... 500  
 Cisterns for dairy and barns ..... 500  
 Engine house and cook rooms for feed for stock ..... 200  
 Engine for farm ..... 800  
 Pumps for piping ..... 150  
 Sugar cane mill and evaporator ..... 300  
 Mules, implements and agricultural machinery, tools, harness, etc. .... 2,500  
 Feed cutting machines, with attachments ..... 80  
 Steam fitting and tanks for cooking for stock ..... 75  
 Water tanks and pipes and stop cocks ..... 75  
 Wagon and stock scales ..... 175  
 One foreman for farm for two years, at \$600 per annum ..... 1,200  
 One stockman for two years, at \$360 per year ..... 720  
 Five laborers for two years, at \$1200 per annum ..... 2,400

##### Mechanical Department.

Building for shops and chemical laboratory ..... 9,500  
 Additional machinery, mechanical equipments and tools ..... 2,500

##### Chemical Department.

For equipping the laboratory, to give students practical work in analysis of soils, manures, etc. .... 2,500

##### Mathematical Department.

Six compasses, two transits, three levels, chains, leveling rods and other instruments for giving practical instruction in surveying ..... 1,000

##### Repairs and Improvements.

Necessary repairs and improvements to building now in use ..... 5,000  
 Building for students' dormitory ..... 8,000  
 Hospital ..... 5,000  
 Two professors' houses ..... 5,000

##### Deficiency.

For support of State students from December 19, 1882, to June 27, 1883 ..... 6,000

Senator Davis presented a petition from W. F. Latta and other citizens of Cook county, requesting a prohibition amendment to the Constitution.

Referred to Committee on Constitutional Amendments.

Senator Matlock presented a petition from the citizens of Baylor county, protesting against detaching any of the counties attached to said county for judicial purposes.

Referred to Committee on Judicial Districts.

Senator Kleberg presented a petition of J. W. Dickey, of Wilson county, for special relief as former assessor of said county.

Referred to Committee on State Affairs.

Senator Gooch introduced a bill entitled "An act authorizing incorporated cities and towns, without regard to the number of inhabitants thereof, to accept property bequeathed or donated to them, or to any class of their inhabitants, for charitable or other purposes, and to manage the same for the benefit of the class for whose use it may be intended."

Referred to Judiciary Committee No. 2.

Senator Getzendaner introduced a bill to be entitled "An act to amend 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' by adding thereto article 4420a."

Referred to Committee on Roads, Bridges and Ferries.

Senator Fowler introduced a bill to be entitled "An act to amend chapter 6, title 8, of the Penal Code, by adding another article, so as to make it an offense for county clerks to fail to keep accounts with other officers, as he is required to do by the Civil Statutes."

Referred to Judiciary Committee No. 2.

Senator Davis introduced a bill to be entitled "An act to change the time of holding court in the tenth judicial district."

Referred to Committee on Judicial Districts.

Senator Fowler rose to a question of privilege with reference to a memorial of B. F. Davis, of Corsicana, in the county of Navarro, suggesting changes in the jury law, and making certain statements with reference to judicial proceedings in Bastrop county, which he charged were untrue, and he desired to vindicate the citizens and officers of Bastrop county against the misrepresentation of the memorialist.

Senator Patton called up the following resolution, offered by him on last Friday:

*Resolved*, That hereafter, during the present session, no member of the Senate shall speak more than twice upon any subject, and not longer than fifteen minutes at a time, except by unanimous consent of the Senate.

Senator Davis offered the following amendment:

Add, "A member of a committee who absents himself from the meeting of the committee without providential cause while a subject is under consideration, shall not be allowed to speak at all upon the subject in the Senate, but may ask questions for information."

Senator Kleberg offered the following amendment: Amend by striking out "fifteen minutes" and insert "ten minutes."

Senator Patton offered the following amendment:

Amend resolution by striking out the words, "more than twice upon any subject and not."

On motion of Senator Gooch, the resolutions and amendments were referred to Committee on Rules.

Senate joint resolution No. 23: "A joint resolution amending section 10, article 11 of the Constitution, so as to authorize incorporated cities and towns, and counties and school districts or communities, under certain circumstances, to levy and collect a special ad valorem tax for the support of the public free schools, in addition to the pro rata available school fund received from the State," being unfinished business of Saturday, was taken up.

Senator Davis' motion to adopt minority for majority report pending, Senator Davis having possession of the floor, resumed his argument:

Motion lost by the following vote:

YEAS—7.

Davis,	Harris,	Kleberg,
Evans,	Johnson of Collin,	Martin.
Getzendaner,		

NAYS—15.

Buchanan,	Gooch,	Pope,
Chesley,	Houston,	Randolph,
Cooper,	Johnston of Shelby,	Shannon,
Farrar,	Patton,	Stratton,
Fowler,	Peacock,	Traylor.

Senator Matlock was paired with Senator Terrell. The former would have voted "aye," and the latter "no."

The question being the adoption of the majority report, Senator Kleberg offered the following amendment to majority substitute:

Amend by striking out the words "or other competent authority," and the words "or special."

Senator Martin called for a division of the amendment.

The first division of the amendment, "or other competent authority," was lost by the following vote:

YEAS—7.

Davis,	Harris,	Kleberg,
Evans,	Johnson of Collin,	Martin.
Getzendaner,		

NAYS—15.

Buchanan,	Gooch,	Pope,
Chesley,	Houston,	Randolph,
Cooper,	Johnston of Shelby,	Shannon,
Farrar,	Patton,	Stratton,
Fowler,	Peacock,	Traylor.

Senator Matlock was paired with Senator Terrell. The former would have voted "aye," and the latter "no."

The second division of the amendment was lost by the following vote:

YEAS—7.

Davis,	Harris,	Kleberg,
Evans,	Johnson of Collin,	Martin.
Getzendaner,		

NAYS—15.

Buchanan,	Gooch,	Pope,
Chesley,	Houston,	Randolph,
Cooper,	Johnston of Shelby,	Shannon,
Farrar,	Patton,	Stratton,
Fowler,	Peacock,	Traylor.

Senator Matlock and Senator Terrell paired. The former would have voted "no," and the latter "aye."

Senator Houston called up the following amendment, offered by him on Saturday, and temporarily withdrawn:

Add to line 14, "and the Legislature shall have power to pass local or special laws regulating the formation of school districts, and the levying of taxes therein, within the provisions of this section, without the necessity of advertisement, under the rules for the passage of general laws."

Adopted.

Senator Traylor offered the following amendment:

Amend section 19, line 12, by inserting the word "resident," before the word "property."

Senator Houston offered the following substitute for the amendment of Senator Traylor:

After the words "tax-payers," insert "residents of the district"

Withdrawn.

Senator Buchanan offered the following substitute for Senator Traylor's amendment:

Amend by inserting after the words "tax-payers," in line 12, the words "resident of such district, and voting at such election."

Accepted, and amendment adopted.

Senator Davis offered the following amendment:

Amend by striking out "school buildings."

Lost.

Resolution engrossed by the following vote:

YEAS—16.

Buchanan,	Harris,	Peacock,
Chesley,	Houston,	Pope,
Cooper,	Johnston of Shelby,	Randolph,
Farrar,	Martin,	Shannon,
Fowler,	Patton,	Traylor.
Gooch,		

NAYS—5.

Davis,	Getzendaner,	Kleberg,
Evans,	Johnson of Collin,	

Senators Matlock and Terrell were paired. The former would have voted "no" and the latter "aye."

On motion of Senator Cooper, Senate bill No. 286, "An act to authorize the Commissioner of the General Land Office to issue patents now suspended for want of reports of county clerks," was taken up out of its regular order, and read second time.

Senator Martin offered the following amendment:

"When said Commissioner is satisfied from evidence in his office that such patents should issue."

Adopted, and bill ordered engrossed.

On motion of Senator Cooper, rules were suspended to place the bill on its third reading by the following vote:

## YEAS—21.

Buchanan,	Getzendaner,	Martin,
Chesley,	Gooch,	Matlock,
Cooper,	Harris,	Patton,
Davis,	Houston,	Peacock,
Evans,	Johnson of Collin,	Pope,
Farrar,	Johnston of Shelby,	Shannon,
Fowler,	Kleberg,	Traylor.

NAYS—none.

Bill read third time, and passed by the following vote:

## YEAS—22.

Buchanan,	Gooch,	Matlock,
Chesley,	Harris,	Patton,
Cooper,	Houston,	Peacock,
Davis,	Johnson of Collin,	Pope,
Evans,	Johnston of Shelby,	Randolph,
Farrar,	Kleberg,	Shannon,
Fowler,	Martin,	Traylor.
Getzendaner,		

NAYS—none.

Senator Patton, chairman of Committee on State Affairs, by leave, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, February 26, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on State Affairs, to whom was referred petition from the commissioners' court of Palo Pinto county, asking the Legislature to donate the State tax for 1883 and 1884 to said county to liquidate the court house and jail tax, have carefully examined the same, and instruct me to report the same back with the recommendation that the petition be not granted, for the reason that your committee do not believe in the policy of rendering State aid to erect court houses and jails in counties.

All of which is respectfully submitted.

PATTON, Chairman.

COMMITTEE ROOM,  
AUSTIN, February 26, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on State Affairs, to whom was referred petition from citizens of Jackson county, asking the Legislature to release them from the payment of State taxes for 1883, and donate the same to said county, have carefully examined the same, and instruct me to report the same back with the recommendation that the relief prayed for be not granted, for the reason that your committee do not believe in the policy of rendering State aid to counties to build court houses and jails.

All of which is respectfully submitted.

PATTON, Chairman

Senator Peacock, for Judiciary Committee No. 1, by leave, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 26, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 219, entitled "An act to be entitled 'an act to amend 4205 of the Revised Civil Statutes of the State'" of Texas, have carefully examined the same, and instruct me to report the same back with the accompanying substitute, and recommend that it be substituted for the bill, and that the same do pass.

All of which is respectfully submitted.

PEACOCK, for Committee.

Bill read first time.

On motion of Senator Houston, Senate bill No. 245, "An act to amend sections 7, 14, 21, 33, 35, 36, 40 and 45 of 'an act incorporating the city of Houston, in Harris county,' approved April 21, 1879, and sections 23 and 31 of said act, as amended by an act of the Legislature of the State of Texas, approved March 9, 1881, and substituting the following sections therefor," was taken up out of its regular order and read the second time.

Senator Houston, by request of Senator Jones, offered the following amendment:

Amend by adding after the word "final," and before it in line 19, page 11, section 33, the following: "Unless notice of dissatisfaction with said action is given within five

days after their decision; and the party giving said notice shall have the right of appeal to the council."

Adopted.

Also, by request, the following:

Amend by striking out, in line 6, section 40, page 13, the words "two thousand" and inserting "one thousand."

Adopted, and bill ordered engrossed.

On motion of Senator Houston to suspend the rules and place the bill on its third reading, the vote was taken, and it was ascertained there was not a quorum present.

Senator Pope moved a call of the Senate.

Call sustained.

Roll called.

On motion of Senator Buchanan, Senator Cooper was excused, on account of sickness.

On motion of Senator Kleberg, Senators Terrell and Fleming were excused on account of sickness, and Senators Jones, Collins and Pfeuffer, on account of important business.

Senate was announced full, and the rules were suspended to place the bill on its third reading by the following vote:

## YEAS—21.

Buchanan,	Harris,	Patton,
Chesley,	Houston,	Peacock,
Davis,	Johnson of Collin,	Pope,
Evans,	Johnston of Shelby,	Randolph,
Farrar,	Kleberg,	Shannon,
Fowler,	Martin,	Traylor.
Getzendaner,		
Gooch,		

NAYS—none.

Bill read third time, and passed by the following vote:

## YEAS—22.

Buchanan,	Harris,	Patton,
Chesley,	Houston,	Peacock,
Davis,	Johnson of Collin,	Pope,
Evans,	Johnston of Shelby,	Randolph,
Farrar,	Kleberg,	Shannon,
Fowler,	Martin,	Stratton,
Getzendaner,	Matlock,	Traylor.
Gooch,		

NAYS—none.

On motion of Senator Matlock, Senate bill 291, "An act for the relief of J. W. Chowning, H. C. Chowning, J. S. Summers, W. P. Bean, R. F. Jones, J. A. Creager, J. P. Wilson, G. W. Darby, C. M. Byars, J. A. Stringley, T. W. Linkhart & Co., and the heirs of Uel Musick, deceased," was taken up out of its regular order, read second time and ordered engrossed.

On motion of Senator Matlock, rules were suspended and bill placed on its third reading by the following vote:

## YEAS—22.

Buchanan,	Harris,	Patton,
Chesley,	Houston,	Peacock,
Davis,	Johnson of Collin,	Pope,
Evans,	Johnston of Shelby,	Randolph,
Farrar,	Kleberg,	Shannon,
Fowler,	Martin,	Stratton,
Getzendaner,	Matlock,	Traylor.
Gooch,		

NAYS—none.

Bill read third time and passed by the following vote:

## NAYS—22.

Buchanan,	Harris,	Patton,
Chesley,	Houston,	Peacock,
Davis,	Johnson of Collin,	Pope,
Evans,	Johnston of Shelby,	Randolph,
Farrar,	Kleberg,	Shannon,
Fowler,	Martin,	Stratton,
Getzendaner,	Matlock,	Traylor.
Gooch,		

NAYS—none.

On motion of Senator Gooch, Senate bill No. 251, "An act to amend article 1077 of chapter 3, title 15, of the Code of Criminal Procedure, relating to fees paid for holding inquests," was taken up out of its regular order, and read second time.

Senator Gooch offered the following amendment:

SECTION 2. The fact that this bill may not be reached in the regular order, creates a necessity for suspending the rule requiring this bill to be read on three several days, and it is hereby suspended.

Adopted, and bill ordered engrossed.

On motion of Senator Gooch, rules were suspended to place the bill on its third reading, by the following vote:

YEAS—20.

Buchanan,	Harris,	Peacock,
Chesley,	Houston,	Pope,
Evans,	Johnson of Collin,	Randolph,
Farrar,	Johnson of Shelby,	Shannon,
Fowler,	Kleberg,	Stratton,
Getzendaner,	Martin,	Traylor.
Gooch,	Matlock,	

NAYS—2.

Davis, Patton.  
Bill read third time, and passed.

On motion of Senator Chesley, Senate bill No. 157, "An act to amend articles 423, 424, 425, 426, 427, 428, 429 and 430a, and to create article 426½, and to repeal article 430 of chapter 5, title 13 of the Penal Code of the Revised Statutes, for the protection of fish and game, approved March 15, 1881, so as to exclude Waller county from the exemptions of said section," was taken up out of its regular order, and read second time.

Senator Buchanan offered the following amendment:

Amend section 2, by adding to the list of exemptions the counties of Smith, Wood, Rains and Upshur.

Senator Johnston of Shelby offered to amend the amendment as follows:

Add Rusk, Panola, Shelby, San Augustine, Sabine and Nacogdoches.

Accepted, and amendment as amended adopted, and bill ordered engrossed.

Senator Pope moved to suspend rules and take up Senate bill No. 250, to be entitled "An act authorize the State Firemen's Association to erect a monument in capitol grounds in the city of Austin."

Adopted, and bill taken up and read second time, and committee amendments adopted.

Senator Pope offered the following amendment:

SECTION 3. Whereas, the patriotic firemen of the State of Texas are anxious to begin at once the work upon a monument of their heroic dead; and whereas, the days of this session of the Legislature are numbered; therefore, an imperative public necessity and an emergency exists for the suspension of the rules, and that this act take effect from and after its passage, and it is so enacted.

Adopted, and bill ordered engrossed.

Senator Pope moved to suspend the rules and place the bill on its third reading.

Carried by the following vote:

YEAS—21.

Buchanan,	Harris,	Patton,
Chesley,	Houston,	Peacock,
Davis,	Johnson of Collin,	Pope,
Evans,	Johnson of Shelby,	Randolph,
Farrar,	Kleberg,	Shannon,
Fowler,	Martin,	Stratton,
Getzendaner,	Matlock,	Traylor.

NAYS—none.

Bill read third time and passed by the following vote:

YEAS—21.

Buchanan,	Harris,	Patton,
Chesley,	Houston,	Peacock,
Davis,	Johnson of Collin,	Pope,
Evans,	Johnson of Shelby,	Randolph,
Farrar,	Kleberg,	Shannon,
Fowler,	Martin,	Stratton,
Getzendaner,	Matlock,	Traylor.

NAYS—none.

Senator Davis moved a suspension of the regular order of business to take up Senate bill No. 262, entitled "An act to require the Attorney-General to procure an official seal."

Adopted, and bill taken up with committee substitute and read second time.

On motion of Senator Davis, the substitute of committee was adopted and bill ordered engrossed.

Senator Davis moved to suspend the rules and put bill on its third reading.

Carried by the following vote:

YEAS—21.

Buchanan,	Gooch,	Patton,
Chesley,	Harris,	Peacock,
Davis,	Houston,	Pope,
Evans,	Johnson of Collin,	Randolph,
Farrar,	Johnson of Shelby,	Shannon,
Fowler,	Martin,	Stratton,
Getzendaner,	Matlock,	Traylor.

NAYS—none.

Bill read third time and passed by the following vote:

YEAS—21.

Buchanan,	Gooch,	Patton,
Chesley,	Harris,	Peacock,
Davis,	Houston,	Pope,
Evans,	Johnson of Collin,	Randolph,
Farrar,	Johnson of Shelby,	Shannon,
Fowler,	Martin,	Stratton,
Getzendaner,	Matlock,	Traylor.

NAYS—none.

Senator Stratton moved to suspend the regular order of business and take up Senate bill No. 91, entitled "An act to diminish the civil and criminal jurisdiction of the county court of Matagorda county, and to conform the jurisdiction of the district court of said county to such change."

Adopted, and bill taken up and read second time.

Senator Matlock offered the following amendment:

Amend the caption and sections 1, 2, 3 and 4, of the bill by inserting after the word "Matagorda," "Donley and Archer."

Adopted.

Senator Kleberg offered the following amendment:

Amend by inserting "Live Oak county and Atascosa county."

Adopted, and bill ordered engrossed.

Senator Chesley moved to take up Senate bill No. 218 to be entitled "An act to amend articles 1007 and 1008, of the Revised Civil Statutes of Texas, approved February 21, 1879."

Adopted, and bill taken up, read third time and passed.

Senator Patton moved to take up Senate bill No. 31, entitled "An act creating, establishing and directing the laying out certain roads as first-class roads, and fixing a penalty for obstructing the same."

Adopted, and bill taken up.

On motion of Senator Patton, the bill was made the special order for to-morrow (February 27), after the morning call, and to be continued from day to day until disposed of.

Senator Evans moved to take up Senate bill No. 100, to be entitled "An act to amend articles 378 and 379, of chapter 6, title 10, of the Penal Code, and add thereto articles 379a, 379b, 379c, and 379d."

Adopted, and bill taken up and read second time, with favorable committee report, with amendment.

First committee amendment was considered and voted on.

When, there being no quorum voting,

On motion of Senator Patton, the Senate adjourned until 10 o'clock a. m. to-morrow.